



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 191.

An Act for inclosing Lands in the Parish of *Minty*,
in the County of *Gloucester*. [15th June 1811.]

WHEREAS there are within the Manor and Parish of *Minty*, in the County of *Gloucester*, certain large Commons or Waste Lands, over which certain Occupiers of Lands within the said Manor and Parish enjoy Rights of Common as appurtenant to their respective Estates; and there are also other Commonable and intermixed Lands within the same Manor and Parish: And whereas *Joseph Pitt* Esquire is Lord of the said Manor, and as such claims to be entitled to the Soil of the Wastes within the same: And whereas the said *Joseph Pitt*, *William Keene*, *Joseph Keene*, *John Browne*, and *William Maskelyne*, Gentlemen, and divers other Persons, are the Owners and Proprietors of all the said Lands by this Act intended to be divided, allotted, and laid in Severalty, and do also claim, on Behalf of themselves or their respective Tenants, to be entitled to and enjoy certain Rights of Common in and over the same: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Commonable and Waste Lands are in their present State incapable of any considerable Improvement, and it would be advantageous to the several Proprietors thereof if the Commonable Rights therein were extinguished, and the same were divided, and specific Parts and Shares thereof assigned and allotted to and among the several Proprietors, according to their respective Rights and Interests therein, and such Allotments

[*Leg. & Per.*]

48 N.

ments

Commissioners.

ments inclosed; but such Extinguishment, Division, Allotment, and Inclosure, cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Edmonds* of *Whelford*, in the County *Gloucester*, and *Robert Wright Hall* of *Cirencester*, in the same County, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Commonable and Waste Lands, and for putting this Act in Execution.

Notice of First and other Meetings.

II. And be it further enacted, That the said Commissioners shall cause Eight Days public Notice to be given, by Writing affixed on one of the outer Doors of the Parish Church of *Minty* aforesaid, or in such other Manner as they shall think fit, of the Time and Place of their First and every other subsequent Meeting for carrying this Act into Execution, except of Meetings by Adjournment.

Other Notices how to be given.

III. And be it further enacted, That all Notices which are hereby or by the said recited Act directed to be given by Advertisement, shall be given by Advertisement in *The Gloucester Herald*, or in some Newspaper printed or circulated in the said County of *Gloucester*.

Place of Meeting.

IV. And be it further enacted, That all Meetings of the said Commissioners for the Purpose of putting this Act into Execution, or of any Matter relating thereto, shall be holden within Eight Miles of *Minty* aforesaid.

If any Commissioner die, &c. others to be appointed, and Manner of Appointment.

V. And be it further enacted, That if either of the said Commissioners hereby appointed, or any other Commissioner to be appointed as herein-after mentioned, shall, before the finishing and completing the said Division and Inclosure, die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, then and in every such Case the surviving Commissioner shall, within Two Months after such Death, Refusal or Incapacity as aforesaid shall become known, or as soon after as Occasion may require (by Writing under his Hand and Seal), nominate and appoint such other proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room of every Commissioner so dying, refusing to act, or being incapable of acting as aforesaid, as such surviving Commissioner shall judge to be a fit Person to act in the Execution of this Act; provided that Twenty-one Days Notice be given, by Writing affixed upon one of the outer Doors of the Parish Church of *Minty* aforesaid of the Time and Place of Attendance or Meeting, and that the Appointment of every such new Commissioner shall be made with the Consent of Three Fourths at least of the Proprietors of Land within the said Parish present at such Meeting; and every such new Commissioner so to be appointed, shall have the like Powers and Authorities for putting the said recited Act and this Act into Execution, as if he had been named and appointed a Commissioner in and by this Act.

VI. And

VI. And be it further enacted, That before the said Commissioners shall proceed to any other Business touching the Execution of this Act, they shall appoint some other Person (not interested in the said Division and Inclosure) to be an Umpire between them; and in case such Person, or any other Person to be appointed as Umpire as herein-after mentioned, shall die, or refuse to act, or become incapable of acting as such; the said Commissioners shall and they are hereby required forthwith to appoint another Person (not interested in the said Division and Inclosure) to be an Umpire in his Stead; and whenever the said Commissioners shall differ or disagree in Opinion touching any Matter or Thing to be by them done or performed in pursuance of this Act, then and in every such Case the Matter in question shall be determined by the Umpire to be appointed as aforesaid, whose Determination thereon shall be deemed and acted upon as the Determination of the said Commissioners: Provided always, that no Person shall be capable of acting as Umpire in the Execution of the Powers given by this Act or the said recited Act, until he shall have taken and subscribed the Oath following; that is to say,

I do swear, That I will faithfully, impartially and honestly, according to the best of my Skill and Judgment, execute and perform the several Powers and Authorities vested and reposed in me as Umpire, by virtue of an Act passed in the Fifty-first Year of the Reign of King George the Third, intituled, *An Act [here insert the Title of this Act]* according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.

Which Oath it shall be lawful for either of the said Commissioners to administer; and the said Oath so taken and subscribed by such Umpire, together with the Appointment of every such Umpire, shall be annexed to and deposited with the Award of the said Commissioners.

VII. And be it further enacted, That every Commissioner and Umpire to be employed in the Execution of this Act, shall be allowed the Sum of Three Guineas and no more, for his Trouble and Expences for each Day he shall necessarily attend in the Execution of the Powers of this Act, out of which Allowance each such Commissioner and Umpire shall defray his own Expences.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division and Inclosure, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in any of the Lands and Grounds hereby directed to be divided and inclosed, or touching or concerning any Matter or Thing relating to the said Division and Inclosure, it shall and may be lawful for the Commissioners for the Time being to examine into, hear and determine the same; but nothing in this Act contained shall authorize any such Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

IX. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties; but in case the said Commissioners shall be of Opinion against the Right of

Appointment
of Umpire.

Umpire to be
sworn.

Commissioners
Allowance.

Commissioners
to settle
Disputes.

Commissioners
not to determine
contrary to Possession.

the

the Person or Persons so in Possession, they shall forbear to make any Determination thereon, until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Power to
assess Costs.

X. And be it further enacted, That in case the said Commissioners, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Act or of this Act, or of any Dispute or Difference between any of the Parties interested or claiming to be interested in the said Division or Inclosure, shall see Cause to award any Costs, it shall be lawful for them and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour their Determination shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall refuse to pay the same on Demand, then and in such Case it shall be lawful for such Commissioners, and they are hereby required and authorized, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause such Costs and Charges, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Allowing
Parties to try
their Rights
by an Issue at
Law.

XI. And be it further enacted, That in case any Person or Persons, or Bodies Politic or Corporate, interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of any Rights or Interests in, over, or upon the Commonable Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by such Commissioners, at the then next or at the following Assizes to be holden for the said County of *Gloucester*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of such Commissioners, shall cause an Action to be brought upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Three Months next after the Determination of such Commissioners shall be made, and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in

other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, such Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the Commissioners for the Time being, touching such Claim or Claims which shall not so be objected to, or being objected to, the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

XII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

If Parties die before Actions commenced, the same shall not stop by reason thereof.

XIII. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

If Parties die, Action not to abate.

XIV. Provided always, That if any Differences or Disputes shall arise, and any Suit or Suits shall be commenced touching or concerning the Right or Title of any Person or Persons, or Bodies Politic or Corporate, in or to the Lands and Grounds hereby intended to be divided, allotted and inclosed, or any Part thereof, or touching or concerning any other the Purposes of this Act, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by virtue of this Act and the said recited Act; but the said Division and Inclosure shall be proceeded in notwithstanding such Differences or Suits, and the said Commissioners shall set out the Lands and Grounds which shall be allotted in lieu of such litigated Property, so that the same may be distinguished from the other Lands and Grounds, and may be taken by the Person or Persons who upon the Determination of such Difference or Suit shall be found to be entitled to the same.

Disputes not to delay the Proceedings under this Act.

XV. And be it further enacted, That the said Commissioners shall and may scour out and widen, or cause to be scoured out and widened, all ancient Brooks, Ditches, Drains, Watercourses, Tunnels and Bridges in the

Commissioners to make Drains.

[Loc. & Per.]

480

said

said Parish of *Minty*; and also shall and may set out, allot and appoint such new Ditches, Drains, Watercourses and Tunnels, Gates, Banks and Bridges, as well in, through; and over the Lands and Grounds hereby directed to be divided, allotted and inclosed, as also in, over, and through any ancient Inclosures within the said Parish, as they shall think fit, making reasonable Compensation or Satisfaction to all and every Person or Persons who may sustain any Damage thereby; and the said Commissioners shall and may and they are hereby required and directed, in and by their said Award, to order and determine by whom, and at whose Expence, and at what Time and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Gates, Banks and Bridges shall be made, and afterwards cleansed, scoured, repaired and maintained: Provided always, that no Brook or Watercourse shall be diverted or turned without the Consent in Writing of the Owner or Owners of the Lands from which such Brook or Watercourse shall be diverted, or into whose Lands the same shall be turned.

Lands liable
to be allotted.

XVI. And, for the better ascertaining what Lands shall be divided, allotted and inclosed pursuant to this Act, be it further enacted, That all Commonable and Waste Lands, and all Fields or Inclosures containing the Property of Two or more Persons within one Fence, and also all Inclosures detached from Homesteads, and not exceeding Five Acres each, of whatever Tenure the same may respectively be, or wherein any Person or Persons have Right of Common, shall be considered as Commonable Land, and be divided, allotted and inclosed accordingly; and in such or any other Cases where Allotments are or shall be made to any Person or Persons holding Estates of different Tenures or for different Terms, under different Lords or Land Owners, or under the same Lord or Land Owner, the said Commissioners shall in their Award declare in lieu of which Estate the Allotment or respective Allotments shall be so made.

Commissioners to determine as to Encroachments.

XVII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, to enquire and determine what Inclosures have been taken from, and what Encroachments have been made upon the Lands and Grounds by this Act intended to be divided, allotted and inclosed, or upon any Part or Parts thereof; and all such Inclosures taken or Encroachments made from or on the same, (save and except such as have been held and enjoyed for Twenty Years past without Interruption), shall be deemed and taken to be Part and Parcel of the Lands and Grounds to be divided, allotted and inclosed, by virtue of this Act, and shall be divided, allotted and inclosed accordingly.

Allotment to the Lord of the Manor.

XVIII. And be it further enacted, That the said Commissioners shall set out, allot and award unto and for the said *Joseph Pitt*, his Heirs or Assigns, as Lord or Lords of the said Manor of *Minty*, such Quantity of the Lands and Grounds hereby directed to be divided, allotted and inclosed, as in the Judgment of the said Commissioners shall be equal in Value to his or their Right of Soil as Lord or Lords of the said Manor in the said Waste Lands.

Lands to be sold for paying Expences.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required (after having set out the necessary Roads, Ways and Footpaths over the said Lands, and the Allotment to the said

said *Joseph Pitt*, as Lord of the said Manor) to set out such Parcel or Parcels and Quantity of the Waste Lands within the said Manor and Parish as they shall think proper, for raising Money by Sale thereof, in Manner by the said recited Act directed, to defray the Whole of the Charges and Expences attending the obtaining and passing of this Act, and of dividing and allotting the said Lands and Grounds, and of preparing and inrolling the Award to be made in pursuance thereof, and also the Charges and Expences of the said Commissioners, and of the several Persons to be employed by them, and all other the Expences of carrying this Act into Execution; and to sell the Land which shall be so set out, and apply the Money to arise from thence in defraying the Charges and Expences aforesaid; and in case any Surplus shall remain after all such Charges and Expences shall have been fully paid and satisfied, the same shall be divided and apportioned between the several Proprietors of the Lands hereby directed to be divided and inclosed, according to their several and respective Interests therein; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of such other Persons respectively shall be paid into the Bank of *England* in Manner directed by the said recited Act, with respect to Money thereby directed to be paid into the Bank for the Purchase or Exchange of Lands, Tenements or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses.

XX. Provided also, and be it enacted, That if the Money to be produced by such Sale or Sales shall not be sufficient to defray all such Costs, Charges and Expences as aforesaid, then and in such Case the Deficiency shall be borne, defrayed, and paid by the respective Persons, Body or Bodies Politic, Corporate or Collegiate, to whom the said Commons and Waste Lands shall be allotted by virtue of this Act, in Proportion to the Value of their respective Allotments, such Proportion to be settled and ascertained by the said Commissioners; and such Proportion, when so settled and ascertained, shall be paid to such Person or Persons, and at such Time or Times as they shall order and direct; and in case any Person or Persons, Body or Bodies Politic or Corporate shall refuse or neglect to pay his, her, or their Proportion of the said Deficiency, then and in such Case the said Commissioners shall and they are hereby empowered and required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners, or the Occupier or Occupiers of the Allotment or Allotments of the Person or Persons, Body or Bodies Politic or Corporate, so refusing or neglecting to make such Payment, together with the Charges of such Warrant, Distress and Sale, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels upon Demand; and every Occupier or Tenant who shall make such Payment under such Distress or otherwise by Order of the said Commissioners, is hereby authorized to deduct and retain out of his, her, or their then next Payment of Rent, so much Money as he, she, or they shall so pay on that Account.

Deficiency to be made up by Proprietors.

XXI. Provided always, That in case any of the Owners or Proprietors of Lands within the said Parish shall, in order to prevent the Sale of any Part of their Proportions of the Lands hereby authorized and directed to be sold as aforesaid, be desirous of paying in Money their respective Shares

Proprietors paying their Expences to be entitled to their Propor-

of

tion, without
any Deduc-
tion.

of the Costs and Charges attending the obtaining and passing of this Act, and of carrying the same into Execution, and of such their Desire shall give Notice to the said Commissioners before the Sale of the Allotments to be set out for Sale as herein-before directed, then and in such Case the said Commissioners shall and they are hereby directed, to receive in Money the respective Shares of such Owners or Proprietors respectively, of and in such Costs and Charges, and on Payment thereof shall allot and award to such Owners or Proprietors respectively, the Whole of their respective Proportions of and in the Lands and Grounds hereby authorized and intended to be divided and allotted, without any Deduction on Account of such Costs and Charges; any Thing herein-before contained to the contrary notwithstanding.

Old Inclosures
subject to
Common
Rights to be
allotted to
Proprietors
on Payment
of Money in
lieu thereof.

XXII. And be it further enacted, That where any of the old Inclosures are subject to Commonable Rights in or over the same, it shall be lawful for the said Commissioners, by Writing under their Hands or by their Award, to order and direct the Proprietors thereof to pay such Sum or Sums of Money as they the said Commissioners shall in their Judgment deem a just and fair Compensation for such Commonable Rights, and upon Payment thereof, it shall be lawful for the said Commissioners to allot and award such old Inclosures unto and for the Proprietors thereof, exonerated and discharged of and from such Commonable Rights, which said Sum or Sums of Money shall be applied by the said Commissioners for or towards defraying the Charges and Expences of passing and carrying this Act into Execution, and shall and may be raised and recovered in like Manner as the Deficiency of the Money after such Sale as aforesaid, is herein-before directed to be raised and recovered; and the Surplus, if any, after defraying such Charges and Expences, shall be divided and apportioned between the several Proprietors of the Lands hereby directed to be divided and inclosed, in like Manner as the Surplus of the Money to arise from such Sale as aforesaid is herein-before directed to be divided and apportioned between them.

Allotment of
Residue.

XXIII. And be it further enacted, That the said Commissioners shall set out and allot all the Residue of the said Lands and Grounds hereby directed to be divided, allotted and inclosed, unto and amongst the several Owners thereof or Persons interested therein, in Proportion to their several and respective Lands, Right of Common, and other Rights, Property or Shares therein respectively, at the Time of making and setting out the said Allotments.

Fences when
to be made.

XXIV. And be it further enacted, That the Commissioners shall and they are hereby required, by the Award to be by them executed, to direct and declare within what Time, and how and in what Manner the Fences between the several Allotments to be set out and inclosed under and by virtue of this Act shall be made, and by whom the same shall for ever thereafter be kept in Repair.

New Estates
to remain to
same Uses as
former Estates.

XXV. And be it further enacted, That the Land so to be allotted and awarded upon the said Division and Inclosure to the several Persons concerned, and the Land which shall be exchanged in pursuance of this Act, shall, immediately after such Allotments and Exchanges have been made as aforesaid, be, remain and enure, and the several Persons to whom the
same

same shall be respectively allotted and given in Exchange as aforesaid, shall from thenceforth stand and be seised, and possessed thereof to such and the same Uses, Estates, Trusts, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases, Charges, and Incumbrances, as the several and respective Messuages, Lands, Allotments and Hereditaments, in respect of which such Allotments or exchanged Premises shall be respectively made or taken as aforesaid, are now held under, or subject or liable to be charged with or affected by, or might or would have been held under or subject or liable to be charged with or affected by, in case the said recited Act and this Act had not been made.

XXVI. And be it further enacted, That all such Lands or Grounds or other Hereditaments as shall be allotted to any of the said Proprietors by virtue of this Act or the said recited Act, shall be held by such Proprietors or other Person or Persons respectively under the same Tenure as the Lands or Grounds or Hereditaments, in respect of which such Allotments shall be made, were respectively held and enjoyed at or immediately before the making of such Allotments.

Allotments to follow the Tenures of ancient Estates.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tenements or Hereditaments whatsoever, within the said Parish of *Minty*, in lieu of and in Exchange for any other Lands, Tenements or Hereditaments whatsoever, within the said Parish, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives; or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees or Attornies of or acting for such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself; such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided always, that no Exchange shall be made of any Lands, Tenements or Hereditaments, held in Right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged shall lie or be situate.

Exchanges to be made.

XXVIII. And be it further enacted, That all Costs, Charges and Expences attending the making of any Exchange to be made by virtue of the said recited Act, shall be paid, borne and defrayed by the Persons making such Exchange, in such Manner and in such Proportions as the said Commissioners shall by their Award or any other Writing under their Hands order and direct.

Expences of Exchanges how to be paid.

[*Loc. & Per.*]

48 P

XXIX. And

Persons advancing Money to be repaid with Interest.

XXIX. And be it further enacted, That if any Person shall advance and lend any Money for defraying the Expences of applying for and obtaining this Act, or for carrying the same into Execution, every such Person shall be repaid such Money, with lawful Interest for the same, out of the Money which shall be first raised by virtue of this Act.

Proprietors, &c. to pay their own Expences at Meetings.

XXX. Provided always, That all Proprietors, their Attornies and Agents, shall pay their own Expences, when they or any of them shall attend the said Commissioners at any of the Meetings to be held in pursuance of this Act.

Commissioners to lay their Accounts at least once every Year before Two Justices.

XXXI. And be it further enacted, That once at least in each and every Year during the Execution of this Act, (such Year to be computed from the Day of passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account in Writing of all such Sum and Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement and Account when so made, together with the Vouchers relating thereto, shall be by them the said Commissioners referred to and laid before Two of His Majesty's Justices of the Peace for the said County of Gloucester, to be by them examined and balanced; and such Balance shall be by such Justices stated in the Book of Accounts to be kept at the Office or Offices of the Clerk of the said Commissioners; and no Charge or Item in the said Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by the said Justices.

Award to be deposited.

XXXII. And be it further enacted, That the Award to be made by the said Commissioners, when enrolled in the Manner directed by the said recited Act, shall be deposited in the Parish Church of *Minty* aforesaid.

Deaths of Parties not to suspend the Execution of this Act.

XXXIII. And be it further enacted, That if any of the Parties interested in the said intended Division and Inclosure shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be determined or suspended, but the said Commissioners shall and may proceed to execute the Powers given to them by this Act or the said recited Act, in such Manner as they might have done in case such Parties had not died; and the Share or Shares of the Person or Persons so dying, shall be allotted to such Person or Persons who by Descent, Will or otherwise, shall become entitled to the same, and shall be accepted and fenced by him, her, or them, according to the Directions of this or the said recited Act, and he, she, or they shall be liable to the Charges and Expences and other Conditions of this and the said recited Act.

Appeal to the Sessions.

XXXIV. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, shall think himself, herself or themselves aggrieved by any Thing done or omitted to be done in pursuance of the said recited Act or this Act, (other than and except as to such Claims, Matters and Things which shall be ascertained, settled, tried or determined by the Verdict of a Jury, under the Power and Authority herein before contained, or where, by any of the Provisions or Clauses of the said recited Act or this Act, the Determinations, Orders, Acts or Proceedings of the said Commissioners are declared or directed to be final and conclusive), then and in every such Case, he, she or they may appeal to the Justices at the General Quarter Sessions of the Peace which shall be held for

the said County of *Gloucester*, within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Fourteen Days Notice in Writing of such Appeal and of the Matter thereof; and the Justices (not interested in the Premises) in their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

XXXV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, and Body or Bodies Politic, Corporate or Collegiate, and his, her, and their Heirs, Successors, Executors and Administrators, (except the several Persons, and Body or Bodies Politic, Corporate or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of the said recited Act or this Act, for and in respect of such Rights or Interests as are hereby meant and intended to be barred, destroyed and extinguished, and all Persons respectively claiming under them or in Remainder after them), all such Right, Estate, Title, and Interest, as they, every or any of them could or ought to have had and enjoyed, of, in, to or in respect of the Lands hereby directed to be divided and allotted, in case this Act had not been passed.

General
Saving.

XXXVI. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof, so printed, shall be admitted as Evidence thereof by all Judges, Justices, and others.

Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637
TEL: 773-936-3700

RESEARCH ASSISTANT
APPLY TO: DR. J. K. STILLE
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

RESEARCH ASSISTANT
APPLY TO: DR. J. K. STILLE
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

RESEARCH ASSISTANT
APPLY TO: DR. J. K. STILLE
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637